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FILED

Date 2/19/14 By *Susan Saylor*

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2014-42

CHARLES TIMMONS MASTERS
111 Fountain Oaks Circle, #76
Sacramento, CA 95031

ACCUSATION

Field Representative License No. FR 38616

Respondent.

Complainant alleges:

PARTIES

1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of Consumer Affairs.

2. On or about May 9, 2005, the Board issued Field Representative License Number FR 38616 to Charles Timmons Masters (Respondent). The Field Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

1 4. Code section 8625 states that, "[t]he lapsing or suspension of a license or company
2 registration by operation of law or by order or decision of the board or a court of law, or the
3 voluntary surrender of a license or company registration shall not deprive the board of jurisdiction
4 to proceed with any investigation of or action or disciplinary proceeding against such licensee or
5 company, or to render a decision suspending or revoking such license or registration."

6 STATUTORY AND REGULATORY PROVISIONS

7 5. Code section 8507 states:

8 "(a) 'Structural pest control field representative' is any individual who is licensed by the
9 board to secure structural pest control work, identify infestations or infections, make inspections,
10 submit bids for or otherwise contract, in behalf of a registered company.

11 A pest control field representative shall not contract for pest control work or perform pest
12 control work in his or her own behalf.

13 (b) As used in this chapter, 'field representative' refers to 'structural pest control field
14 representative.'"

15 6. Code section 8550 states:

16 "(a) It is unlawful for any individual to engage or offer to engage in the business or practice
17 of structural pest control, as defined in Section 8505, unless he or she is licensed under this
18 chapter.

19 "..."

20 "(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or
21 other organization or combination thereof to engage or offer to engage in the practice of structural
22 pest control, unless registered in accordance with Article 6 (commencing with Section 8610)."

23 7. Code section 8552 states:

24 "It is unlawful for any person to advertise or represent in any manner that any pest control
25 work, in whole or in part, has been done upon any structure, unless the work has been performed
26 by a company registered under this chapter."

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1 8. Code section 8567 states:

2 "Should a field representative or applicator change his or her employment, or should an
3 operator enter the employ of a registered company, or being already employed by a registered
4 company change his or her employment, or being employed by a registered company leave that
5 employment and enter the pest control business on his or her own behalf, he or she shall notify the
6 registrar in writing, on a form prescribed by the board and issued by the registrar in accordance
7 with rules and regulations adopted by the board. Whereupon the registrar shall register the change
8 in his or her records."

9 9. Code section 8610, subdivision (a) states:

10 "Every company that engages in the practice of structural pest control, as a sole
11 proprietorship, partnership, corporation, or other organization or any combination thereof, shall be
12 registered with the Structural Pest Control Board. Each application for a company registration
13 shall include the name of the company's owner if it is a sole proprietorship, the names of the
14 partners, if it is a partnership, or the names of its officers and shareholders with 10 percent or more
15 ownership interest, if it is a corporation, and the address of the company's principal office in this
16 state."

17 10. Code section 8620 provides, in pertinent part, that the Board may suspend or revoke a
18 license when it finds that the holder, while a licensee or applicant, has committed any acts or
19 omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
20 penalty.

21 11. Code section 8641 states:

22 "Failure to comply with the provisions of this chapter, or any rule or regulation adopted by
23 the board, or the furnishing of a report of inspection without the making of a bona fide inspection
24 of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed
25 prior to the completion of the work specified in the contract, is a ground for disciplinary action."

26 12. Code section 8642 states:

27 "The commission of any grossly negligent or fraudulent act by the licensee as a pest control
28 operator, field representative, or applicator or by a registered company is a ground for disciplinary

1 action."

2 13. California Code of Regulations, title 16, section 1911 states:

3 "Each operator, field representative and applicator shall file his or her address of record with
4 the board and shall notify the board of any change in address within ten (10) days of such change.
5 The address of record of a field representative, an operator or an applicator shall be the address of
6 the registered company by which he or she is employed or with which he or she is associated or his
7 or her residence address if he or she is not employed and associated.

8 Each licensee shall also file his or her address for mailing purposes with the board and shall
9 notify the board of any change in address within ten (10) days of such change."

10 COST RECOVERY

11 14. Code section 125.3 states, in pertinent part, that a Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FACTS

16 15. Respondent worked at Hi-Tech Termite Control of the Bay Area (Hi-Tech) between
17 April 15, 2011 and October 1, 2012.

18 16. Respondent worked at Planet Orange Termite Services (Planet Orange) between
19 October 1, 2012 and April 12, 2013.

20 17. Respondent solicited and performed work on his own behalf for Hi-Tech and Planet
21 Orange clients when he worked for these companies.

22 FIRST CAUSE FOR DISCIPLINE

23 (Contracting and Performing Pest Control Work on Own Behalf)

24 18. Respondent's Field Representative License is subject to disciplinary action under Code
25 sections 8620, 8641, and 8507, subdivision (a), in that he contracted for and performed pest
26 control work on his own behalf when he worked for Hi-Tech and Planet Orange.

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SECOND CAUSE FOR DISCIPLINE

(Engaging and/or Offering to Engage in Structural Pest Control Work Without Registration)

19. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8550, subdivisions (a) and (e), in that he engaged and offered to engage in the business or practice of structural pest control without being properly licensed.

THIRD CAUSE FOR DISCIPLINE

(Representing Pest Control Work Done by Registered Company)

20. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8552, in that he represented that the pest control work had been performed by a registered company.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Notify Board of Employment Change)

21. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8567, and California Code of Regulations, title 16, section 1911, in that he failed to notify the Board when he left Hi-Tech to work for Planet Orange.

FIFTH CAUSE FOR DISCIPLINE

(Acting in Capacity of Registered Company)

22. Respondent's Field Representative License is subject to disciplinary action under Code section 8620, 8641, and 8610, subdivision (a), in that he engaged in the practice of structural pest control without being registered with the Board.

SIXTH CAUSE FOR DISCIPLINE

(Fraud)

23. Respondent's Field Representative License is subject to disciplinary action under Code sections 8620, 8641, and 8642, in that he used Planet Orange's name and company registration number without Planet Orange's knowledge or consent.

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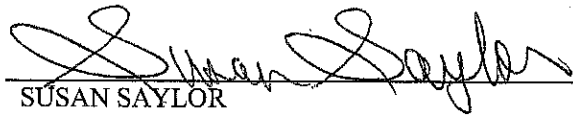
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4. Taking such other and further action as deemed necessary and proper.

DATED: 2/19/14



SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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